

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:20-cr-00054

NEDELTCCHO VLADIMIROV,

Defendant.

ORDER

The Court has reviewed the *Motion by the United States to Toll the Speedy Trial Act and Continue Trial* (Document 51) filed in this matter on September 17, 2020. The Court has also reviewed the *Defendant's Response to Government's Motion to Toll the Speedy Trial Act and Continue Trial* (Document 53) filed on September 21, 2020, wherein the Defendant objects to any further continuance while the Defendant is incarcerated.

In its motion, the United States moves for a continuance of the trial for a period of thirty to sixty days based on the difficulty subpoenaing, meeting with and interviewing witnesses, resulting in an inability to properly prepare for trial. The United States alleges that this difficulty is due to the public health threat posed by the ongoing coronavirus pandemic. The requested delay is not attributable to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the United States, or to congestion of the Court's calendar.

Subsequent to the filing of the United States' motion, *General Order #9* was entered on September 18, 2020 (Document 12, *In Re: Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic*, Miscellaneous Number: 2:20-mc-00052). *General Order #9* provides that, due to the increased presence of the coronavirus in the community, effective September 21, 2020, all criminal petit jury selections and trials scheduled to commence in the Southern District of West Virginia are continued until further order of the Court.

General Order #9 further provides that, due to the Court's reduced ability to obtain an adequate spectrum of petit jurors, and the effect of the public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of any continuance ordered pursuant to *General Order #9* will be excludable under the Speedy Trial Act. *General Order #9* also makes the specific finding that the ends of justice served by ordering such a continuance outweigh the interest of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3167(h)(7)(A).

Consistent with the findings in *General Order #9*, the Court finds a trial continuance in this matter to be necessary. Further, the Court finds good cause to continue the trial based on the United States' motion inasmuch as the ongoing COVID-19 pandemic has resulted in the United States' inability to adequately prepare for trial. The Court further finds, pursuant to 18 U.S.C. § 3161(h)(7)(A), that the interest of the public and the Defendant in a speedy trial is outweighed by the ends of justice served by granting a continuance. Accordingly, the Court hereby **ORDERS** that the United States' motion for trial continuance (Document 51) be **GRANTED** and the trial previously scheduled for October 19, 2020, be **CONTINUED** generally to be rescheduled by future order when the coronavirus pandemic is such that jury trials can be resumed.

The Court **FINDS** that the time between October 19, 2020, and the future scheduled trial date is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7). [See Document 12, *In Re: Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic*, Miscellaneous Number: 2:20-mc-00052.]

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: September 22, 2020



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA